

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THOMAS E. JACKSON JR.,

Case No. 2:16-00978-GMN-PAL

Plaintiff,

v.

**REPORT OF FINDINGS AND
RECOMMENDATION**

SOCIAL SECURITY,

Defendant.

This matter is before the court on Plaintiff Thomas E. Jackson Jr.'s failure to comply with the court's Order to Show Cause (ECF No. 5). This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Mr. Jackson is proceeding in this action *pro se*, *that is*, representing himself, and he filed a Complaint (ECF No. 3) on May 17, 2016. The court issued a Screening Order (ECF No. 2) granting him permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Mr. Jackson's complaint failed to state a valid claim and allowed him until June 16, 2016, to file an amended complaint. The Screening Order warned Mr. Jackson that a failure to file an amended complaint addressing the deficiencies explained by the court may result in a recommendation to the district judge that this case be dismissed. However, he failed to file an amended complaint before the June 16, 2016 deadline.

On June 23, 2016, the court entered an Order to Show Cause (ECF No. 5) directing Mr. Jackson to show cause, in writing, no later than July 21, 2016, why this matter should not be dismissed for a failure to file an amended complaint. However, he was also informed that filing an amended complaint by would satisfy the court that sanctions are not warranted and no further response would be required. Mr. Jackson was again warned that failure to file an amended complaint would result in a recommendation to the district judge that this case be dismissed. To

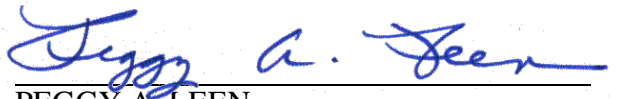
1 date, Mr. Jackson has not filed an amended complaint, requested an extension of time, or taken
2 any other action to prosecute this case.

3 Accordingly,

4 **IT IS RECOMMENDED** that Plaintiff Thomas Jackson's Complaint (ECF No. 3) be
5 DISMISSED without prejudice.

6 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
7 this case and enter judgment accordingly.

8 Dated this 28th day of July, 2016.

9 
10 PEGGY A. LEEN
11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned district judge
14 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
15 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
16 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
17 Rules of Practice, any party wishing to object to a magistrate judge's findings and
18 recommendations of shall file and serve *specific written objections*, together with points and
19 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.
20 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate
21 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found
22 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may
23 result in the district court's acceptance of this Report of Findings and Recommendation without
24 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,
25 failure to file timely objections to any factual determinations by a magistrate judge may be
26 considered a waiver of a party's right to appellate review of the findings of fact in an order or
27 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th
28 Cir. 1991); Fed. R. Civ. Pro. 72.